

EXHIBIT 4

Excerpts of Miles Dickson Deposition Transcript

EXHIBIT 4

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3)

4 SHEILA SALEHIAN,)

5)

6 Plaintiff,)

7)

8 vs.)

9)

CASE NO.:

2:21-cv-01512-CDS-NJK

10 STATE OF NEVADA, NEVADA)

11 STATE TREASURER'S OFFICE;)

12 ZACH CONINE, STATE)

13 TREASURER; DOES 1-50; and)

14 ROE CORPORATIONS 1-50,)

15)

16 Defendants.)

17)

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19

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21 DEPOSITION OF MILES DICKSON

22 THURSDAY, JUNE 16, 2022

23 2:51 P.M.

24 AT 3960 HOWARD HUGHES PARKWAY, SUITE 700

25 LAS VEGAS, NEVADA

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31 REPORTED BY: MICHELLE R. FERREYRA, CCR No. 876

JOB NO. 888696B

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<p>1 DEPOSITION OF MILES DICKSON, 2 taken at 3960 Howard Hughes Parkway, Suite 700, 3 Las Vegas, Nevada, on THURSDAY, JUNE 16, 2022, at 4 2:51 p.m., before Michelle R. Ferreyra, Certified Court 5 Reporter, in and for the State of Nevada. 6 APPEARANCES: 7 For Plaintiff: 8 LAW OFFICES OF MICHAEL P. BALABAN 9 BY: MICHAEL P. BALABAN, ESQ. 10 10726 Del Rudini Street 11 Las Vegas, NV 89141 12 (702) 586-2964 13 (702) 586-3223 Fax 14 mbalaban@balaban-lawcom 15 16 For Defendants: 17 OFFICE OF THE ATTORNEY GENERAL 18 BY: JUDY A. PRUTZMAN, ESQ. 19 5420 Kietzke Lane 20 Suite 202 21 Reno, NV 89511 22 (775) 687-2113 23 (775) 688-1822 Fax 24 jprutzman@ag.nv.gov 25</p>	<p>1 EXHIBITS (CONTINUED) 2 Exhibit 15 Complaint 84 3 Exhibit 16 Timeline that Ms. Salehian 4 provided to the EEOC 97 5 6 Exhibit 17 Email from Ms. Salehian to 115 7 Mr. Dickson with a copy to Beth 8 Yeatts 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 I N D E X 2 WITNESS: MILES DICKSON 3 EXAMINATION 4 Examination By Mr. Balaban 5 6 INDEX TO EXHIBITS 7 EXHIBIT 8 Exhibit 1 Letter to Ms. Salehian from 5 9 Dan Schwartz, State Treasurer, 10 dated January 10, 2017 11 Exhibit 2 Letter of recommendation for 5 12 Ms. Salehian 13 14 Exhibit 3 Prohibition and Penalties 5 15 16 Exhibit 4 Email to both Treasurer Conine 5 17 and Mr. Dickson and Beth Yeatts 18 Exhibit 5 Letter from Thomas Dermatology 5 19 Exhibit 6 FMLA paperwork 5 20 Exhibit 7 Email from Miles Dickson to 5 21 Beth Yeatts and Sheila Salehian 22 23 Exhibit 8 Interrogatory responses for the 5 24 State of Nevada 25 Exhibit 8 Separation Agreement and 5 Release Of All Claims 26 27 Exhibit 10 Statement from Ms. Yeatts 5 28 29 Exhibit 11 Reference letter for 5 30 Ms. Salehian from Ms. McDowell 31 Exhibit 12 Job announcement 5 32 Exhibit 13 Severance letter 5 33 Exhibit 14 Statement of Employment 45 34 Termination 35</p>	<p>1 LAS VEGAS, NEVADA, THURSDAY, JUNE 16, 2022; 2 2:51 P.M. 3 -000- 4 (Exhibits 1 through 12 marked.) 5 6 (Prior to the commencement of the deposition, all of 7 the parties present agreed to waive statements by the 8 court reporter pursuant to Rules 30(b) (5) (A) and 9 30(b) (5) (C) of the NRCF/FRCP.) 10 11 Whereupon, 12 MILES DICKSON, 13 having been first duly sworn to testify to the truth, 14 the whole truth and nothing but the truth, was examined 15 and testified as follows: 16 17 EXAMINATION 18 BY MR. BALABAN: 19 Q. My name is Michael Balaban. I briefly 20 introduced myself prior. I represent Sheila Salehian 21 in this case. And let's get started. 22 Do you understand that you are under oath and 23 these proceedings are being recorded by the court 24 reporter? 25 A. I do. Q. Do you also understand that you should not</p>

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<p style="text-align: right;">Page 18</p> <p>1 think you liked her when you started?</p> <p>2 A. I couldn't speak to how Sheila felt about me</p> <p>3 or what her perception of me was or what she thought my</p> <p>4 perception of her was.</p> <p>5 Q. Okay. Well, what -- what was your perception</p> <p>6 of her when you first met her and whatnot?</p> <p>7 A. I was looking forward to meeting her and the</p> <p>8 rest of the team and excited about a new job</p> <p>9 opportunity.</p> <p>10 Q. Okay. And -- did -- so your perception when</p> <p>11 you first met her, you didn't have any animosity</p> <p>12 towards her or anything like that?</p> <p>13 A. No.</p> <p>14 Q. Did that change over the time that you were</p> <p>15 at the State Treasure's office?</p> <p>16 A. Did I have animosity for Sheila?</p> <p>17 Q. Yeah.</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 With respect to supervising Sheila, did you</p> <p>21 have any role in that?</p> <p>22 A. Sheila had a supervisor, Beth, and I was</p> <p>23 Beth's supervisor. That said, as I got to know not</p> <p>24 only Sheila but the whole team, I encouraged larger</p> <p>25 group meetings whenever it was possible, especially</p>	<p style="text-align: right;">Page 20</p> <p>1 conversations or concerns around accuracy of different</p> <p>2 reports. Yeah, sorry. I actually don't recall. I</p> <p>3 don't know how to answer on accuracy.</p> <p>4 Q. Okay.</p> <p>5 How about work product, did you think she put</p> <p>6 out a good work product if she was asked to do</p> <p>7 something?</p> <p>8 A. No. Not necessarily.</p> <p>9 Q. And you say that because of why?</p> <p>10 A. My perception of work product was based on, I</p> <p>11 guess, a few things. One, just my own experience and</p> <p>12 sense of what I would look for in terms of quality work</p> <p>13 product. The second one was responsiveness to direct</p> <p>14 feedback about concerns that I had around the office.</p> <p>15 And I think the third one that really felt defining was</p> <p>16 quality of work product and quantity of work product</p> <p>17 relative to her peers, the other deputy treasures.</p> <p>18 Q. Okay. So quality --</p> <p>19 A. Meaning that it was less.</p> <p>20 Q. Less. Okay.</p> <p>21 So can you give me specific instances how the</p> <p>22 quality of her work product was less?</p> <p>23 A. Sure. So one of the things that was most</p> <p>24 important to the administration in the first six months</p> <p>25 was trying to, obviously, learn the office, learn the</p>
<p style="text-align: right;">Page 19</p> <p>1 because it was a smaller office. So I spent a lot of</p> <p>2 time trying to get to know every team member.</p> <p>3 In terms of direct daily supervision we had</p> <p>4 everything from weekly meetings to -- I was pretty</p> <p>5 involved in both College Savings and Unclaimed</p> <p>6 Property, the two divisions that reported under me; so</p> <p>7 copied on emails a lot, meetings a lot. So while I</p> <p>8 wasn't her supervisor, I certainly was, I think, pretty</p> <p>9 familiar with her and her work.</p> <p>10 Q. Okay. Yeah. That was -- that was my</p> <p>11 question. So you were able to assess her work or job</p> <p>12 performance as your role as chief of staff; correct?</p> <p>13 A. Yes. I felt that I had a sufficient view and</p> <p>14 experience of all -- well, at least the two deputies</p> <p>15 and a Southern deputy in Las Vegas.</p> <p>16 Q. Okay.</p> <p>17 So I'd like to first ask you what was your</p> <p>18 overall assessment of Ms. Salehian's job performance?</p> <p>19 Maybe I can break it down for you. As far as her</p> <p>20 performing her work accurately, did you think she</p> <p>21 performed her work accurately?</p> <p>22 A. There were inconsistencies in her work that I</p> <p>23 recall. Accuracy, as I would define it, was two plus</p> <p>24 two equals four, didn't feel like the challenge in</p> <p>25 terms of accuracy. So we had -- I remember</p>	<p style="text-align: right;">Page 21</p> <p>1 people, learn statutory obligations, learn strategy,</p> <p>2 et cetera.</p> <p>3 We were doing that in the middle of a</p> <p>4 legislative session. That legislative session, from</p> <p>5 our office's perspective, was really critical to</p> <p>6 regain, or at least start to regain, the trust of the</p> <p>7 legislature, which had been eroded over the last four</p> <p>8 or five years, resulting in very significant marketing</p> <p>9 cuts.</p> <p>10 And so when I think about quality, one of the</p> <p>11 things that was really vital to the team -- let me say</p> <p>12 vital to me. What I thought was really critical for</p> <p>13 deputies was to be able to articulate a clear strategy</p> <p>14 and vision for growing their programs, particularly in</p> <p>15 College Savings where almost from moment zero, Sheila</p> <p>16 had expressed a disappointment and a frustration with</p> <p>17 the previous administration's choices. All right? So</p> <p>18 as I think about quality and quantity of work product,</p> <p>19 I think about the first six months. What I would have</p> <p>20 expected from a deputy, who leads a whole office, very,</p> <p>21 very expensive programs, who on almost day one</p> <p>22 expressed frustration and disappointment and</p> <p>23 disagreement with choices of the previous</p> <p>24 administration, was a clear strategy to shift focus,</p> <p>25 especially when we, I thought, we're pretty aligned</p>

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<p style="text-align: right;">Page 22</p> <p>1 around where we wanted to go. That didn't come. And</p> <p>2 instead, we spent a very significant amount of time</p> <p>3 talking about various administrative tasks.</p> <p>4 Q. Okay.</p> <p>5 A. So for me it was amiss.</p> <p>6 Q. Okay. And so that's quality. Quantity, you</p> <p>7 said, was below average -- or below other deputies.</p> <p>8 Can you be more specific about that?</p> <p>9 A. My perception of the College Savings</p> <p>10 department was that on one hand there was a lot of</p> <p>11 work. And on the other hand, there were eight people</p> <p>12 doing that work. And so when I thought about the</p> <p>13 timeliness, how quick we were moving forward, or more</p> <p>14 specifically, how quick we weren't moving forward, time</p> <p>15 was real issue. So coupled with a lack of quality,</p> <p>16 this quantity issue where we would talk about a problem</p> <p>17 and then months later, we still wouldn't see a</p> <p>18 resolution for it, even with eight team members, felt</p> <p>19 really concerning to me.</p> <p>20 Q. Okay. And -- and did you have talks with</p> <p>21 Ms. Salehian on this?</p> <p>22 A. Yeah. I expressed pretty openly concerns</p> <p>23 around programs in terms of are we going the right</p> <p>24 direction, are we seeing the growth we're looking for,</p> <p>25 are we reaching all the different potential users or</p>	<p style="text-align: right;">Page 24</p> <p>1 far as time frame goes, do you recall when you would</p> <p>2 have first talked to her about it?</p> <p>3 A. One of the first things I did was ask for a</p> <p>4 pretty exhaustive rundown of where are we at as an</p> <p>5 office, particularly. Because unlike some of the other</p> <p>6 offices, we were pushing for a very large expansion of</p> <p>7 the budget through the legislative process. So that</p> <p>8 requires, as you can imagine, a lot of advocacy work,</p> <p>9 but a lot of data.</p> <p>10 And so really early on, we were trying to get</p> <p>11 our arms around what's happening in the office, what's</p> <p>12 not happening in the office, where are we trying to go.</p> <p>13 So really very, very early of me being there, probably</p> <p>14 the first few days when I started asking for data and</p> <p>15 reports and really trying to get an understanding of</p> <p>16 where we were.</p> <p>17 Q. Okay. And do you -- do you recall</p> <p>18 documenting any of your talks with her, like in emails</p> <p>19 and stuff?</p> <p>20 A. In terms of?</p> <p>21 Q. In terms of any counseling you gave her or</p> <p>22 feedback on, she wasn't doing the job like you wanted</p> <p>23 it to be done or anything of that nature?</p> <p>24 A. Let me first clarify that the feedback that I</p> <p>25 gave consistently was to an entire department. The</p>
<p style="text-align: right;">Page 23</p> <p>1 partners of the programs.</p> <p>2 I think in many months, I was pretty open</p> <p>3 about our concern. Even in legislative hearings, right</p> <p>4 into the microphone, the Treasurer testified to</p> <p>5 concerns around needing to grow the programs. So I</p> <p>6 think we were pretty clear, including in hearings,</p> <p>7 about the need to improve the department and that</p> <p>8 really being an explanation for why we needed to</p> <p>9 recapture what was almost 75 percent, I think, of the</p> <p>10 budget being slashed in the previous four years.</p> <p>11 Q. Okay. And so when -- I mean, time frame</p> <p>12 wise -- so you were there since January -- you started</p> <p>13 January of '19?</p> <p>14 A. I think like January 31 or February 1; so I</p> <p>15 started --</p> <p>16 Q. So you were, basically, there from the start</p> <p>17 of Mr. Conine's administration?</p> <p>18 A. I trailed him by about a month, I think.</p> <p>19 Q. About a month?</p> <p>20 A. So I don't remember what day he is sworn in.</p> <p>21 It was the first few days of January; so I was about</p> <p>22 30 days behind him.</p> <p>23 Q. Okay.</p> <p>24 So with respect to talking about -- talking</p> <p>25 to Ms. Salehian about some of the concerns you have as</p>	<p style="text-align: right;">Page 25</p> <p>1 administration is concerned that the last four years</p> <p>2 thing has gotten really difficult. That feedback was</p> <p>3 consistently reiterated and agreed with by Sheila and</p> <p>4 other team members. So very early on, there was a</p> <p>5 consistent theme from team members, particularly</p> <p>6 Sheila, that she understood the last four years were</p> <p>7 challenging and problematic in the office. And that we</p> <p>8 needed to regain the trust of the legislature, and we</p> <p>9 needed to pick up the pace. So that was a consistent</p> <p>10 feedback.</p> <p>11 So my concern, personally, was that over</p> <p>12 time, despite that being the consistent feedback really</p> <p>13 early in the process, us reiterating that to the</p> <p>14 legislature and articulating very specific goals and</p> <p>15 metrics for trying to move forward, I never saw the</p> <p>16 change from the last administration, essentially what I</p> <p>17 interpreted as the last administration messed</p> <p>18 everything up, to here's the plan to get back on track.</p> <p>19 Q. Okay.</p> <p>20 So when I took Mr. Conine's deposition -- or</p> <p>21 Treasurer Conine, he indicated that -- that the</p> <p>22 department would do stuff verbally, they talk to the</p> <p>23 employees verbally, but they didn't document much -- or</p> <p>24 I think he said he didn't know that he documented</p> <p>25 anything.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. What do you mean "the first section"?</p> <p>2 A. Sorry. I'm referring to the final page, the</p> <p>3 acknowledgment that's signed. I don't recall seeing</p> <p>4 that. So I recall seeing this packet. And if I</p> <p>5 remember correctly, it was from early on as I was</p> <p>6 trying to learn processes at the State, and I was asked</p> <p>7 to sign a work performance review and work performance</p> <p>8 standards for some of the classified employees. I</p> <p>9 started asking more questions, like how does this work?</p> <p>10 What is this based on. So I remember in particular</p> <p>11 this table.</p> <p>12 Q. Okay. So I asked Mr. Conine about it, and</p> <p>13 I -- he didn't really know, but I kind of got the</p> <p>14 impression he didn't know for sure, but I kind of got</p> <p>15 the impression that this was only for classified</p> <p>16 employees. Or do you -- can you speak to that or --</p> <p>17 A. I don't think I can speak to your impression</p> <p>18 of what it is, no.</p> <p>19 Q. Okay.</p> <p>20 A. I can speak to you this paragraph here. This</p> <p>21 guide was approved by the State Personnel Commission;</p> <p>22 thus, it has the same force and effect as other rules</p> <p>23 and regulations covering classified employees.</p> <p>24 Q. Yeah. And that's what was pointed out at his</p> <p>25 deposition. But -- and I don't --</p>	<p style="text-align: right;">Page 32</p> <p>1 have -- it would appear that this goes through</p> <p>2 a -- before somebody is terminated, it goes through a</p> <p>3 progressively -- disciplinary type of scenario.</p> <p>4 Is that accurate to what you're seeing?</p> <p>5 A. I think I understand your question, and so</p> <p>6 let me respond by saying classified employees had a</p> <p>7 progressive disciplinary policy, and this looks to</p> <p>8 speak to that.</p> <p>9 Q. Okay. So this -- this document would be</p> <p>10 inconsistent with unclassified employee to your</p> <p>11 understanding?</p> <p>12 A. I don't know that I would say "inconsistent."</p> <p>13 I would say not applicable.</p> <p>14 Q. Okay.</p> <p>15 And would you know anyone at the Treasurer's</p> <p>16 office -- and I know you're not still there -- that</p> <p>17 would be a better person to ask about this type of</p> <p>18 document?</p> <p>19 A. My impression of the difference</p> <p>20 between -- difference between classified and</p> <p>21 unclassified employees, both in terms of the benefits</p> <p>22 of the role, such as, you know, you don't have to go</p> <p>23 through the regular hiring process, you don't have to</p> <p>24 wait for merit pay, you can max out at salary, you get</p> <p>25 a lot more time off benefits, et cetera, as well as</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Let me --</p> <p>2 Q. Yeah.</p> <p>3 A. Let me -- go ahead. Sorry.</p> <p>4 Q. No. Tell me what --</p> <p>5 A. No, go ahead.</p> <p>6 Q. I was going to ask you if -- if this</p> <p>7 was -- and, you know, from looking at the last page, I</p> <p>8 know she signed this back in 2012. But if this was for</p> <p>9 classified employees only, do you know why Ms. Salehian</p> <p>10 would have signed this?</p> <p>11 A. I couldn't speak to why she signed it before</p> <p>12 I was there. I don't have any knowledge of that.</p> <p>13 Q. Okay.</p> <p>14 So from what Mr. Conine was telling me, that</p> <p>15 all non-classified employees work at the pleasure of</p> <p>16 the Treasurer, meaning that they can be terminated at</p> <p>17 the pleasure of the Treasurer.</p> <p>18 Was that your understanding?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 And from looking at this document --</p> <p>22 A. And to correct that, you said</p> <p>23 "non-classified." My understanding is unclassified.</p> <p>24 Q. Oh, yeah. Unclassified, excuse me.</p> <p>25 And so from this document, it would</p>	<p style="text-align: right;">Page 33</p> <p>1 you're not subject to the usual progressive</p> <p>2 discipline -- disciplinary policies. That distinction</p> <p>3 seemed ubiquitous to me. Everybody understood that. I</p> <p>4 understood it as an employee who joined.</p> <p>5 Q. Okay. But it sounds like you -- you -- you</p> <p>6 said this was the first -- I think you said this was</p> <p>7 the first time you saw Exhibit 3. And my -- my</p> <p>8 question was just: Do you know anyone in the</p> <p>9 Treasurer's office that might be a better person to ask</p> <p>10 about Exhibit 3 or why Ms. Salehian would have been</p> <p>11 asked to sign Exhibit 3, whether other unclassified</p> <p>12 employees signed something similar to Exhibit 3, stuff</p> <p>13 like that?</p> <p>14 A. To the first part of what I think is your</p> <p>15 question is who else would be familiar with classified</p> <p>16 employees' kind of disciplinary prohibitions and</p> <p>17 penalties. Any deputy or anybody who supervises</p> <p>18 classified employees. I was not one who supervised</p> <p>19 classified employees. So I would expect anybody who</p> <p>20 would be a supervisor would be more familiar with this</p> <p>21 than I am.</p> <p>22 Q. Okay.</p> <p>23 And so you started to discuss with me about</p> <p>24 some of Ms. Salehian's -- what you believed were</p> <p>25 performance issue and whatnot?</p>

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<p style="text-align: right;">Page 34</p> <p>1 A. (Witness nods.)</p> <p>2 Q. Do you recall speaking to Treasurer Conine</p> <p>3 about her performance issues?</p> <p>4 A. Yes. The Treasurer, as well as the Chief</p> <p>5 Deputy and I, had numerous conversations throughout the</p> <p>6 summer about my concern and also comparing notes,</p> <p>7 trying to figure out does anyone see anything different</p> <p>8 than what I see.</p> <p>9 Q. And when you say "the Chief Deputy" --</p> <p>10 A. Tara Hagan.</p> <p>11 Q. Tara Hagan?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Okay. So throughout the summer, do you</p> <p>14 recall specific dates, or at least specific months?</p> <p>15 A. Yeah. They were relatively consistent</p> <p>16 conversations throughout June and July and August. So</p> <p>17 part of what we did is we left the legislative -- or</p> <p>18 closed the legislative -- here -- the legislature,</p> <p>19 which by the way we were pretty successful in terms of</p> <p>20 creating new positions and significantly increasing the</p> <p>21 marketing budget. Our attention turned to</p> <p>22 implementation of the things that the legislature just</p> <p>23 approved. And, really, it was at that point I think we</p> <p>24 started looking a lot more carefully and thinking a lot</p> <p>25 more about the future in terms of what implementation</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Additionally, Beth also had taken over, which</p> <p>2 was at Sheila's request primarily -- that my</p> <p>3 impression, I should say, was Sheila's request</p> <p>4 primarily. But very early in me joining the office,</p> <p>5 Sheila and Beth asked to meet with me to redistribute</p> <p>6 Sheila's workload so that Beth could take more of it</p> <p>7 on. And it seemed very bizarre to me at the time that</p> <p>8 the office that, according to Sheila, had less work,</p> <p>9 less resources, et cetera than it's had years before</p> <p>10 needed to redistribute work product upwards to a</p> <p>11 supervisor. So entire program shifted over to her</p> <p>12 supervisor, who is supposed to be supervising the</p> <p>13 person who is supposed to be supervising the program.</p> <p>14 Q. Okay.</p> <p>15 And so at some point, a decision was made to</p> <p>16 terminate both Ms. Salehian and Ms. Yeates?</p> <p>17 A. Yes.</p> <p>18 Q. And walk me through that, on how it got to</p> <p>19 just talking about their performance to, Hey, we've got</p> <p>20 to make a change here?</p> <p>21 A. Yeah. Let me begin by clarifying what I</p> <p>22 think the characterization of just talking about</p> <p>23 performance. I don't think it's a decision any of us</p> <p>24 arrived at lightly. Neither did asking the legislature</p> <p>25 to more than triple the agency's budget; right? That</p>
<p style="text-align: right;">Page 35</p> <p>1 of this work, what's the future of this department. So</p> <p>2 it would have been really early in June.</p> <p>3 Q. Early in June. Okay.</p> <p>4 Did you also have any talks about any</p> <p>5 implementation or performance issues with regard to</p> <p>6 Beth Yeates?</p> <p>7 A. We started talking I think</p> <p>8 simultaneously -- we started talking I think pretty</p> <p>9 simultaneously in early June about the Southern Nevada</p> <p>10 office and particularly relative to Beth and Sheila in</p> <p>11 College Savings and a concern about if their</p> <p>12 leadership, particularly Sheila's, would be able to</p> <p>13 bring about successfully the significant program</p> <p>14 expansions that we had just secured at the legislature.</p> <p>15 Q. Okay.</p> <p>16 And the reason you started talking about both</p> <p>17 of them is because, objectively, you were -- you saw</p> <p>18 problems with both of their performance --</p> <p>19 performances; is that fair to say or --</p> <p>20 A. I would clarify to say that specifically to</p> <p>21 Beth's role in College Savings. I was concerned that</p> <p>22 the person who worked for her, whom she supervised, was</p> <p>23 not performing at the level we needed to, and Beth</p> <p>24 wasn't offering solutions for that either.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 37</p> <p>1 comes with serious obligations. We sat in hearings, we</p> <p>2 committed to do something, we secured the resources to</p> <p>3 do it, we created multiple new positions, including a</p> <p>4 commitment with then the senator majority leader to run</p> <p>5 a program. So nothing about what we chose to do over</p> <p>6 the summer was a casual decision. We felt a high</p> <p>7 responsibility and obligation to both execute --</p> <p>8 develop and execute our programs that the Treasurer ran</p> <p>9 on, that I came to work at, but maybe even more</p> <p>10 importantly, that the legislature approved and</p> <p>11 ultimately that the governor signed into law. So is</p> <p>12 wasn't a casual series of conversations. So I want to</p> <p>13 first clarify that.</p> <p>14 Over the course of the summer, right -- so</p> <p>15 about three months, we moved from what felt like early</p> <p>16 warning signs in the spring for me questions about I'm</p> <p>17 not really sure why this seems so challenging. I'm not</p> <p>18 really sure why we're spending so much time here when</p> <p>19 it seems like we should be spending it here. So there</p> <p>20 were a whole series of question marks. And for me</p> <p>21 probably yellow and red flags started coming up</p> <p>22 throughout this Spring. Set those aside for the most</p> <p>23 part, and really started having these conversations in</p> <p>24 a deep way in June.</p> <p>25 So over the course of the Summer --</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. In when?</p> <p>2 A. In June.</p> <p>3 Q. In June?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Okay.</p> <p>6 A. Over the course of the summer reached the</p> <p>7 conclusion -- I'll speak for myself -- I reached the</p> <p>8 conclusion that I did not have confidence that Sheila</p> <p>9 was going to be the person to lead these programs. So</p> <p>10 that happened by Labor Day weekend. We'd all talked</p> <p>11 right before the weekend; it was a long weekend.</p> <p>12 Q. Right, right. So that would be end of</p> <p>13 September?</p> <p>14 A. No. End of August.</p> <p>15 Q. End of August.</p> <p>16 A. Yeah.</p> <p>17 Q. Okay.</p> <p>18 A. So last few days of August. At that point, I</p> <p>19 had formally said, "I really think we need to make a</p> <p>20 change. I believe that's what's best."</p> <p>21 We all agreed to think about it over the</p> <p>22 weekend, as I recall, and we reconnected and we started</p> <p>23 moving.</p> <p>24 Q. Okay. And so that was you, Tara Hagan --</p> <p>25 A. (Witness nods.)</p>	<p style="text-align: right;">Page 40</p> <p>1 job announcement, but --</p> <p>2 A. Yeah. Pardon my phrasing, yes, job</p> <p>3 announcement.</p> <p>4 Q. Okay. So you're saying you started working</p> <p>5 on this -- it would have been sometime in, what, early</p> <p>6 September?</p> <p>7 A. I recall seeing emails that were included as</p> <p>8 these exhibits that had some more specific dates; so I</p> <p>9 would rather see those to give you concrete dates.</p> <p>10 But, yes, generally speaking, early September to</p> <p>11 mid-September we started talking about what are the job</p> <p>12 descriptions? What's the severance letter?</p> <p>13 Q. Okay. And when you say "severance letter" --</p> <p>14 MR. BALABAN: This is going to be a new</p> <p>15 exhibit; so we'll mark it 13.</p> <p>16 (Exhibit 13 marked.)</p> <p>17 BY MR. BALABAN:</p> <p>18 Q. When you say "severance letter," is this what</p> <p>19 you're referring to?</p> <p>20 A. No.</p> <p>21 Q. No?</p> <p>22 A. No.</p> <p>23 Q. Let me have you look at Exhibit 9.</p> <p>24 A. Oh, pardon me. My poor language, Separation</p> <p>25 Agreement.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. -- and Treasurer Conine?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And that would have happened end of August.</p> <p>5 A. (Witness nods.)</p> <p>6 Q. And you are saying you are the one who</p> <p>7 spearheaded or said, Hey, we need to make a change?</p> <p>8 A. I'm speaking that -- I'm saying that I</p> <p>9 officially said that, but I believe it was a collective</p> <p>10 decision. So I don't think the term or the</p> <p>11 characterization "spearhead" is quite correct.</p> <p>12 Q. Okay.</p> <p>13 And so what happened then?</p> <p>14 A. We started writing job descriptions and</p> <p>15 working on severance letters.</p> <p>16 Q. Okay. Let me --</p> <p>17 A. And I would broaden that to say and other</p> <p>18 kind of practical pieces of figuring out what to do</p> <p>19 next.</p> <p>20 Q. Okay. So when you say "work on job</p> <p>21 descriptions" -- let me show you what has previously</p> <p>22 been marked as 12, which is probably going to be the</p> <p>23 last exhibit in your pile.</p> <p>24 A. Yes.</p> <p>25 Q. Is this what you're talking about? This is a</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Okay. So this was talked about back in the</p> <p>2 start of September?</p> <p>3 A. Again, I think you have emails that describe</p> <p>4 when we started working on it, or at least a reference.</p> <p>5 So I think early September, mid-September sounds about</p> <p>6 right.</p> <p>7 Q. So you're saying -- I mean, I haven't really</p> <p>8 seen any emails, but you say there was emails to your</p> <p>9 recollection back in early September?</p> <p>10 A. In which we started looking at job</p> <p>11 descriptions and separation agreement, yes.</p> <p>12 Q. Okay. So there would have -- I'm assuming</p> <p>13 the emails would have indicated something about a</p> <p>14 decision had been made on Ms. Salehian and Ms. Yeatts</p> <p>15 to move ahead with their termination?</p> <p>16 A. I recall an email between Tara and I in which</p> <p>17 I specifically said I'm working on separation</p> <p>18 agreements and targeted August -- October 4th for the</p> <p>19 term date.</p> <p>20 Q. Okay. And you are saying that would have</p> <p>21 been between you -- that would have been from you to</p> <p>22 Tara?</p> <p>23 A. Back and forth we were coordinating, yes.</p> <p>24 Q. Okay. Okay, yeah.</p> <p>25 Unless I'm missing something, I didn't see</p>

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<p style="text-align: right;">Page 50</p> <p>1 Q. So what do you recall about the meeting in 2 which she was informed of the termination and the days 3 leading up to that?</p> <p>4 A. Could you be a little bit more specific? Do 5 you want me to talk about the meeting when you say "the 6 days leading up to it?" Is that two days, is that 20 7 days.</p> <p>8 Q. Yeah. Treasurer Conine indicated that there 9 was supposed to be two meetings before that that 10 possibly her and Ms. Yeates were going to be 11 terminated, but that didn't happen because Mr. Conine 12 wanted to do it in person.</p> <p>13 Do you recall -- what do you recall of that?</p> <p>14 A. We had -- I think in that same email that I 15 referenced earlier, we had agreed that we were 16 targeting October 4th for the termination date for 17 both employees. The Treasurer, as I recall, did feel 18 very strongly about it in person, and so we coordinated 19 really around his travel schedule.</p> <p>20 Q. Okay.</p> <p>21 A. So our intent was to terminate on October 22 4th. I can't recall -- I can't recall why he needed 23 to cancel, but we ultimately needed to cancel that day. 24 I think it was his schedule, but I don't remember for 25 sure.</p>	<p style="text-align: right;">Page 52</p> <p>1 A. I recall that Sheila insisted that she wanted 2 to work from home and that we were fine with that. So 3 when she notified the Treasurer and I in a meeting 4 earlier that month, Beth was present, that she was 5 facing a skin cancer diagnosis, and that she wanted to 6 keep working and she just preferred doing it at home. 7 I recall saying -- you know, having a conversation 8 saying, We're so sorry and, of course, whatever you 9 need.</p> <p>10 Q. And with respect to the cancer diagnosis, 11 when was the first time that you were made aware of 12 that?</p> <p>13 A. In that meeting.</p> <p>14 Q. And that meeting, do you know a date of that 15 meeting?</p> <p>16 A. Not off the top of my head, no.</p> <p>17 Q. Okay.</p> <p>18 A. I believe it was referenced several times in 19 the materials that Judy shared with me, though. So --</p> <p>20 Q. Okay. So -- so -- but it was -- it was 21 definitely prior to October 22nd. It was --</p> <p>22 A. Yeah.</p> <p>23 Q. Okay.</p> <p>24 And that would have been the first time that 25 you were made aware that she had this cancer diagnosis?</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Okay.</p> <p>2 So your recollection is the 4th was the 3 only -- it was originally going to be on the 4th, and 4 it was because Mr. Conine couldn't be there in person, 5 it was switched to the 28th.</p> <p>6 A. That's correct. We -- I believe target -- we 7 tried one other day in that period. I don't remember 8 what day it was, but there was also a challenge. And I 9 think on that time, it was either Sheila or Beth were 10 out of the office. I don't recall. But we had two 11 different dates we had tried for termination before the 12 October 28th day. And, yes, it was because the 13 Treasurer really wanted to be in person.</p> <p>14 Q. Okay. And let me show you what we had 15 previously marked as Exhibit 4. And take a second to 16 read that over, if you need to.</p> <p>17 A. Okay.</p> <p>18 Q. Okay. So do you recall getting this email 19 from Ms. Salehian?</p> <p>20 A. Yeah. Vaguely. And seeing it jogs my 21 memory, yes.</p> <p>22 Q. Okay. And she talks about allowing her to 23 work from home for seven days because of her 24 chemotherapy treatment.</p> <p>25 Do you recall who approved that?</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Yes.</p> <p>2 Q. At any point during that meeting or 3 afterwards, do you recall her asking for accommodations 4 on -- for the cancer diagnosis?</p> <p>5 A. She said several times over email and in 6 person that she wanted to continue working. When I 7 reached out, and I did several times while she was at 8 home, to see if there was upcoming events, do you need 9 anything? She consistently said, "I'm working from 10 home, and I'm okay." Or not -- pardon me, "I'm okay, 11 but events were covered."</p> <p>12 And so in that vein, she was very clear she 13 wanted to keep working. And the -- I don't know that 14 accommodation, pardon me for not knowing the correct 15 language here, but our understanding when she requested 16 to work from home, we said absolutely, and that was 17 never a problem.</p> <p>18 Q. Okay. Did -- did you feel that allowing her 19 to work from home was an accommodation?</p> <p>20 A. I don't know that I viewed it as an 21 accommodation or not accommodation. We had a team 22 member who said she preferred working from home 23 from -- for health reasons and that she was more 24 comfortable at home and she was embarrassed to be in 25 person, and we -- we said that was fine. She worked</p>

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<p style="text-align: right;">Page 58</p> <p>1 with Treasurer Conine the meeting prior to sending 2 Exhibit 7 out?</p> <p>3 A. Yes.</p> <p>4 At that point, I presumably would have known 5 for sure that he was going to make it in person. I 6 don't remember if he flew in that morning or that 7 afternoon. But at that point, I wouldn't have booked a 8 meeting if I didn't know the Treasurer was going to be 9 there.</p> <p>10 Q. Okay.</p> <p>11 Okay. And so what do you recall about the 12 meeting?</p> <p>13 A. They were -- Sheila's meeting?</p> <p>14 Q. Yeah. That's Sheila's meeting.</p> <p>15 A. Relatively brief. We came in, we let her 16 know that we were terminating. I presented her with 17 the Separation Agreement -- pardon me, if I'm not 18 saying that right. Yeah, Separation Agreement. And 19 encouraged her to consult an attorney and reminded 20 her -- or let her know, I guess I should say, that she 21 would have 21 days to do that. We stepped out, and 22 that was the extent of the meeting.</p> <p>23 There was a brief conversation. Sheila 24 looked shocked.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">Page 60</p> <p>1 inkling of any kind that she was going to request FMLA 2 leave at the meeting?</p> <p>3 A. No. No.</p> <p>4 And I would note that I think she was there 5 all day; so she didn't come and hand me paperwork at 6 any point throughout that day when she was already 7 there. So I had no reason to believe she was sitting 8 on paperwork to give to me at 3:30.</p> <p>9 Q. Okay.</p> <p>10 A. I mean, we were 30 feet away from each other 11 all day, I think.</p> <p>12 Q. Okay. Moving on to the next line it says (as 13 read):</p> <p>14 "When asked why I was being dismissed, 15 Treasurer Conine would not give me a reason. He just 16 kept saying we are going in a different direction."</p> <p>17 Do you recall that's what happened?</p> <p>18 A. I recall we had a brief meeting, and we 19 expressed we were going in a different direction, and 20 that was about the extent of it. We didn't provide any 21 additional information to Sheila or to Beth.</p> <p>22 Q. Okay. She says (as read):</p> <p>23 "I asked" -- and I'm assuming she's referring 24 to Treasurer Conine -- "I asked if he would give me a 25 letter of recommendation, and he said no."</p>
<p style="text-align: right;">Page 59</p> <p>1 A. I remember that.</p> <p>2 Q. Do you recall her asking the reason for 3 termination or --</p> <p>4 A. I remember vaguely the request to, you know, 5 why is this happening? I believe we had just indicated 6 we were making a change, and we didn't provide any 7 specifics.</p> <p>8 Q. Okay.</p> <p>9 Let me ask you -- she had written something 10 for a timeline document for the EEOC. And with respect 11 to the termination she says (as read):</p> <p>12 "October 28, 2019, I returned to work and was 13 fired at 3:30 p.m. before I could even hand Treasurer 14 Conine my paperwork."</p> <p>15 Do you recall that, as far as the FMLA 16 paperwork that we referred to, do you recall her having 17 some paperwork in her hand or anything?</p> <p>18 A. I -- I recall Sheila often had paperwork in 19 the mix. So I remember we went in, and we had already 20 agreed that we would start the meeting, just as we had 21 with Beth. We spoke first, we were very quick and 22 clear that it was a meeting to let her know she was 23 being terminated.</p> <p>24 Q. Okay.</p> <p>25 And -- and prior to the meeting, you had no</p>	<p style="text-align: right;">Page 61</p> <p>1 Do you recall that happening at the meeting?</p> <p>2 A. I'm sorry, I don't.</p> <p>3 Q. (As read):</p> <p>4 "I asked him if my dismissal was 5 performance-related, and if so, what had I not done to 6 meet or exceed his expectations? He said it was not 7 performance-related and that these things are very 8 difficult."</p> <p>9 A. We agreed before that meeting that we were 10 not providing specifics, and we didn't.</p> <p>11 Q. Do you recall him specifically saying that it 12 was not performance related?</p> <p>13 A. No. I don't recall that.</p> <p>14 Q. Let -- let me ask you this. It -- it seems 15 that I'm going to go through at least one document that 16 indicates it was performance related. Why would you 17 have not told Ms. Salehian that it was performance 18 related at the meeting?</p> <p>19 A. Sorry. I want to make sure I'm cautious here 20 in terms of conversations that we may have had with 21 counsel.</p> <p>22 Q. Yeah. I don't want you to discuss any 23 conversation that you had with counsel.</p> <p>24 A. Okay. So we had decided to not provide any 25 detail.</p>

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<p style="text-align: right;">Page 70</p> <p>1 a really clear set of procedures, and my impression was 2 that they weren't there. So, yes, we ultimately 3 terminated that program.</p> <p>4 Q. Okay. Next (as read):</p> <p>5 "Was reluctant to take responsibility for 6 poor work product or outcomes and, instead, often 7 blamed others, such as vendors, partners, or members of 8 past administration."</p> <p>9 Can you give me an example of that?</p> <p>10 A. Yeah. I think the marketing vendor was a 11 good example, but I can add onto that. That 529 12 partners who were fiscal partners in 529 programs were 13 largely responsible for helping create marketing 14 materials. Our goal was more round reviewing them. 15 And a very consistent concern we had for one the big 16 programs was that while it was showing growth 17 nationally -- because it's a national program. You 18 could live in Kansas and participate -- we weren't 19 seeing the same growth rate here in Nevada. And so 20 when we pushed on questions about how are Nevadans 21 being served by this office? How are they benefiting 22 from the investment? What we would often get is, Well, 23 FSG is not doing their job. The marketing firm is not 24 doing their job. The last administration focused on 25 something else. I don't have enough staff.</p>	<p style="text-align: right;">Page 72</p> <p>1 employee in the plaintiff's position."</p> <p>2 Can you expand on that at all?</p> <p>3 A. Sure. So as we talked about conducting a 4 strategic planning exercise, our real goal was once we 5 were out of the legislative session, which can be 6 pretty consuming in terms of time and attention, we 7 wanted to shift to where the office was going over the 8 next three and a half years. We instigated a strategic 9 planning process, we brought all the deputies together 10 and the senior deputies, the leadership team in Carson 11 City, for essentially a day-long event, along with the 12 happy hour kind of thing the evening before. We were 13 asking folks to be really clear and also ambitious 14 about where they were going with their departments. 15 Again, I think really trying to take everybody -- and I 16 don't even know that it's everybody. I think it's 17 specifically for College Savings where there was 18 articulated concerns that they were essentially held 19 back -- my words -- from the previous administration. 20 We wanted to give people room to -- to stretch and 21 articulate what their plans were.</p> <p>22 So we gave the exercise -- folks had, I don't 23 remember the exact time line, but we did a kind of 24 day-long retreat, and then folks had a few weeks to get 25 responses back. And as Sheila shared responses with</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Okay.</p> <p>2 Next (as read):</p> <p>3 "Demonstrated poor overall performance 4 relative to her peers and other deputy treasurers."</p> <p>5 What was meant by that?</p> <p>6 A. What was really clear for me as I joined the 7 team, even in a relatively short period of time as I 8 learned the office, was how detailed and focused and, I 9 think, productive different deputy treasurer were such 10 as the folks who manage debt on behalf of the whole 11 State with an office of two people. So --</p> <p>12 Q. Can you give me names of who you're referring 13 to?</p> <p>14 A. Oh, sure. That was Lori Chadwick, the Deputy 15 Treasurer. But I'll say all deputy treasurers that I 16 worked with, there were five. All four of them really 17 felt -- or four, I should say, really felt they were 18 consistently focused on work and got there. Sheila 19 stood out to me as someone who was not at that level.</p> <p>20 Q. Okay. (As read):</p> <p>21 "When plaintiff was asked to provide a 22 strategic plan for the department in June of 2019, 23 plaintiff submitted a plan that lacked clarity, 24 priority, and accountability measures; and, therefore, 25 fell short of what was expected of an unclassified</p>	<p style="text-align: right;">Page 73</p> <p>1 me -- and Beth Yeatts was in that meeting as well -- I 2 expressed concerns about what it looked like in terms 3 of quality, specificity, accountability, how will we 4 measure it, why we are making these choices, et cetera.</p> <p>5 Q. Okay. And so -- so there was an actual 6 documented specific plan that she prepared for this; 7 correct?</p> <p>8 A. They were drafts. We were doing kind of 9 first-round drafts and second-round drafts, as I 10 recall. So that was in response to a first-round 11 draft.</p> <p>12 Q. Okay. So there should be something that 13 documents an actual draft?</p> <p>14 A. Yeah. As far as I know, I think she emailed 15 it to me, but we also sat in person and went through 16 it, and so I'm sure it's -- there's some email 17 document.</p> <p>18 Q. Okay. (As read):</p> <p>19 "Plaintiff also exhibited an unwillingness to 20 adapt to changes requested by senior management."</p> <p>21 Can you give me an example of that?</p> <p>22 A. Two stand out to me. As we, I think, 23 communicated our concern around financial literacy, in 24 terms of being, it felt like, an outside focus for 25 Sheila compared to the rest of the budget and</p>

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<p style="text-align: right;">Page 74</p> <p>1 Treasurer's agenda, really saying, Look. This is not 2 where we're putting energy right now. We don't even 3 really have a plan to do this work. The budget has 4 gone unspent, et cetera. We need to shift and focus on 5 what were real challenges in the office, in terms of 6 growing participation and creating efficiencies of the 7 programs. 8 The resistance, at least for me that I felt 9 in providing that feedback, was consistent. Sheila 10 regularly went back to, This is why I think financial 11 literacy matter, this is why I think this is a good 12 program, et cetera. So for me, that was kind of a 13 clear concern around lack of adaptation, lack of 14 willingness to move where our priorities were, or where 15 I believe the Treasurer's priorities were. 16 Similarly, what really dominated, at least 17 the first few months of my experience at the 18 Treasurer's office, was conversations around 19 administrative processes. 20 Q. Okay. 21 A. Not agreeing with the reimbursement, not 22 agreeing with travel policies. Having a sense of, you 23 know, how budgets were being used, et cetera. We spent 24 months having what felt to me like meeting after 25 meeting after meeting, often with multiple team members</p>	<p style="text-align: right;">Page 76</p> <p>1 to the people in the North. I mean, that's what I 2 recall his testimony. I mean, if you -- you know, if 3 that doesn't -- if -- if -- if you don't -- if -- if -- 4 if you don't have a response, then that's fine. I'll 5 just move on, but I -- I -- I just want to know if you 6 had any recollection of any of that. 7 MS. PRUTZMAN: Objection to the form of the 8 question. I think it misstates Treasurer Conine's 9 testimony. I don't know if he said there was a 10 "hostile environment." 11 BY MR. BALABAN: 12 Q. Okay. Well, that's fine. I mean, if it 13 doesn't jog your memory or -- or whatnot, that's fine. 14 I'll just move on. 15 A. Okay. 16 Q. Okay. 17 Let me have you look at -- let me have you 18 look at Exhibit 1. And have you seen Exhibit 1 before 19 today? 20 A. I recall seeing this -- this document 21 mid-Summer of 2019. 22 Q. Okay. And in -- did Exhibit 1 have any 23 bearing on your decision to terminate Ms. Salehian? 24 A. No. At that point, I had already formed my 25 concerns and my opinions. And, frankly -- no, it</p>
<p style="text-align: right;">Page 75</p> <p>1 from multiple different departments to try to get to 2 the bottom of it, never really resolving it. I don't 3 know that there was anything to actually resolve, 4 frankly. 5 Q. Okay. 6 A. And as we talked about it, we need to move on 7 from the administrative items. We can't spend this 8 much time talking about mileage reimbursement when we 9 make a few trips a year, and in the meantime we're 10 spending \$25 million running a department that seems to 11 have struggles. 12 Q. Okay. 13 A. And to clarify or to add on that the 14 unwillingness to adapt changes really was demonstrated 15 by the unwillingness to move on. 16 Q. Okay. 17 Treasurer Conine had testified about some 18 conflicts Sheila had with employees or team members in 19 the North, such as Tara Hagan. Did you observe any of 20 that or how would you address that? 21 A. Could you be more specific? I don't -- I 22 don't know what Treasurer Conine testified to; so -- 23 Q. Well, he seemed to say that there was 24 friction or -- like, hostile environment type, that 25 it -- there was hostility from the people in the South</p>	<p style="text-align: right;">Page 77</p> <p>1 didn't. 2 I want to reiterate that for me, I tried to 3 give a great amount of deference to everybody in the 4 office, to Sheila and any other team members. I think 5 it's tough to work in an elected office. And when I 6 say "tough," I think administrations come and go, 7 people come and go; I think that's got to be difficult. 8 And so I know in my work, my role, I try to give a lot 9 of deference to team members and recognize that 10 whatever happened on, you know, December of 20 -- 2018 11 and before was a different administration. And for me, 12 I was really focused on letting everybody -- for me to 13 learn people and for people to learn me. 14 Q. Okay. 15 Let me have you look at Exhibit 10. And you 16 said you've gone through the documents of the 17 case -- or the documents provided by Judy. So I'm sure 18 you reviewed the Complaint, and there's allegations of 19 age discrimination or age harassment. And I wanted to 20 ask you, Exhibit 10 represents a -- it's kind of done 21 in a letter form, but it's -- it's essentially a 22 statement from Beth Yeates and in support of 23 Ms. Salehian. But also, it addresses some concerns 24 that she observed with respect to looking at Page 82. 25 It says (as read):</p>

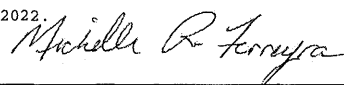
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<p style="text-align: right;">Page 78</p> <p>1 "Unwelcomed age remarks."</p> <p>2 And first of all, let me ask you: In your</p> <p>3 experience in the office, do you recall either yourself</p> <p>4 making age -- derogatory age remarks or hearing it from</p> <p>5 other people?</p> <p>6 A. Not derogatory age remarks, no.</p> <p>7 Q. When you say "not derogatory" --</p> <p>8 A. You're characterizing remarks I may have made</p> <p>9 as derogatory, and I'm disagreeing with that</p> <p>10 characterization.</p> <p>11 Q. Okay. Well, let's go through some of the</p> <p>12 things that she said: Jokes about staff used dot</p> <p>13 matrix printers and highlighters.</p> <p>14 Do you recall either hearing that comment or</p> <p>15 making a comment like that?</p> <p>16 A. I don't recall the specific of this</p> <p>17 conversation or this comment, but I can tell you I</p> <p>18 remember having multiple conversations about the Guinn</p> <p>19 Millennium Scholarship. Again, the one that cost the</p> <p>20 State, I think, \$45 million by any amount and being</p> <p>21 really concerned about what I felt like a very</p> <p>22 antiquated process for taking in documents, reviewing</p> <p>23 them, and what I think the staff described as</p> <p>24 reconciliation, but fell pretty short of that as a</p> <p>25 process, and often making comments that I was concerned</p>	<p style="text-align: right;">Page 80</p> <p>1 plans and operations."</p> <p>2 Do you recall either making any -- any</p> <p>3 comment about that or hearing, anybody making a about</p> <p>4 comment that?</p> <p>5 A. Sure. So let me begin by rejecting the</p> <p>6 characterization of millennial exasperation and say that</p> <p>7 we had two departments that both had relatively high</p> <p>8 call volumes, that, at least as I could tell and as I</p> <p>9 requested information on several times, we had not</p> <p>10 implemented a call center plan.</p> <p>11 So let me go one step further and say there</p> <p>12 was no call center plan, there was no call center</p> <p>13 operation. I asked for both deputies who oversaw</p> <p>14 departments that had high volumes of inbound calls from</p> <p>15 direct taxpayers and program participants to start</p> <p>16 working together on building a call tree and a call</p> <p>17 system along with the scripts.</p> <p>18 Q. Okay.</p> <p>19 A. So it was -- it was not a small conversation.</p> <p>20 It was a conversation that happened many times,</p> <p>21 focused, again, on what I perceived as an outdated IT</p> <p>22 system that was not serving program participants -- or</p> <p>23 not serving them well.</p> <p>24 MADAM COURT REPORTER: "Program</p> <p>25 participants"?</p>
<p style="text-align: right;">Page 79</p> <p>1 that we had not materially updated our processes</p> <p>2 especially IT in the nearly 20 -- or since the program</p> <p>3 had been created because we were still sitting there.</p> <p>4 Q. And so you're referring to this second bullet</p> <p>5 point there; right?</p> <p>6 A. Well, I -- again, I would take issue with the</p> <p>7 notion of exaggerated complaint. But, yes, I remember</p> <p>8 talking about being very concerned that we had not</p> <p>9 adequately -- or the office had not adequately adopted</p> <p>10 the information technologies to make the program more</p> <p>11 efficient and impactful.</p> <p>12 I recall very specifically folks literally</p> <p>13 sending manually reconciling processes, manually</p> <p>14 reconciling reports against each other. That made zero</p> <p>15 sense to me.</p> <p>16 Q. Okay.</p> <p>17 A. And let me go further and say often asked</p> <p>18 about what's the IT plan? How are we going to do this</p> <p>19 better? You know, we heard complaints from students as</p> <p>20 well as partners about the lateness of notices and</p> <p>21 payments from Millennium Scholarship. I was very</p> <p>22 concerned about the IT infrastructure or the lack of</p> <p>23 it.</p> <p>24 Q. Okay. Next bullet point says (as read):</p> <p>25 "Millennial exasperation over call center</p>	<p style="text-align: right;">Page 81</p> <p>1 THE WITNESS: Program participants, yes.</p> <p>2 BY MR. BALABAN:</p> <p>3 Q. Did either Ms. Yeatts or Ms. Salehian ever</p> <p>4 say anything to you that they felt that either comments</p> <p>5 you made or others in the office made were age bias or</p> <p>6 anything of that nature?</p> <p>7 A. No. Never that I recall. And I spoke very</p> <p>8 frequently and often in meetings with teams about the</p> <p>9 need to make sure that our communications, our marketing</p> <p>10 programs, our physical outreach, and our IT was</p> <p>11 accessible for people across all demographics</p> <p>12 categories, multiple languages, and differences in</p> <p>13 economic circumstances. So there was no shortage of</p> <p>14 opportunity for folks to say, you know, I think the</p> <p>15 thing you're saying feels insensitive or feels out of</p> <p>16 touch or feels inaccurate. We rewrote entire marketing</p> <p>17 RFPs to be very clear that we wanted to reach diverse</p> <p>18 audiences.</p> <p>19 Q. Okay.</p> <p>20 Did -- did -- did any -- did either</p> <p>21 Ms. Yeatts or Ms. Salehian ever say anything to</p> <p>22 your -- to you about they felt the hiring practice and</p> <p>23 the hiring practices in the Treasurer department were</p> <p>24 age biased?</p> <p>25 A. Not that I recall.</p>

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<p style="text-align: right;">Page 102</p> <p>1 Memorial Scholarship, and that was a program that she 2 helped or she lead.</p> <p>3 I remember she organized a luncheon, I 4 remember it was in Reno at UNR. I didn't attend. In 5 terms of being removed from a press release, Erik did 6 handle most of our essentially, I guess, I think in 7 government terms is a public information officer.</p> <p>8 So often offices may designate a first person 9 to contact for media requests. Erik was often our 10 person who labeled on media requests. So if people had 11 an outreach, they called Erik not me or the Treasurer 12 or Sheila.</p> <p>13 Q. But, I mean, even though she organized 14 everything and then was removed from the press release, 15 wouldn't that be unusual to do?</p> <p>16 A. No. A PIO -- I mean, a public information 17 officer in government is typically the first person to 18 contact, I guess like a publicist would be in a private 19 business. It doesn't mean the publicist is running the 20 program, it doesn't mean the PIO is running the program 21 or the events, it's just for media outreach.</p> <p>22 Q. Is it odd for -- it sounds like Sheila set up 23 this event and yet Treasurer Conine is not even 24 allowing her or Beth to sit at the same table as him. 25 Is that unusual in your experience?</p>	<p style="text-align: right;">Page 104</p> <p>1 she was -- she found out that she needed additional 2 treatments and that she was almost sure that she told 3 one or more of you that -- about her diagnosis and she 4 was going to need more treatment and --</p> <p>5 A. You're asking me if she recalls that she may 6 have told me?</p> <p>7 Q. No. If you recall that. So in other words, 8 I think what --</p> <p>9 A. No. Absolutely not.</p> <p>10 Q. So you're -- you're saying the first 11 time -- and you're saying it's in some documents, but 12 from your recollection, the first time that she would 13 have made any of you aware of that would have been 14 early October; correct? Or --</p> <p>15 A. I can't speak for the Treasurer or Tara. I 16 know that the first time I heard the words, or the 17 phrase skin cancer, was when we were sitting at a table 18 directly across from her. And I think you already have 19 the date in your time line, and that was when Beth, 20 myself, Sheila, and the Treasurer were present, as best 21 I can tell. And I believe the Treasurer was by phone. 22 Best I understood afterwards, that was news to the 23 Treasurer as well.</p> <p>24 Q. Okay. 25 This document indicates -- 56 I'm looking</p>
<p style="text-align: right;">Page 103</p> <p>1 A. I can't speak to this event. I wasn't there. 2 I don't know what seating was like. But I can speak to 3 my personal experience of working with or for elected 4 officials or dignitaries or anybody like that, I think 5 I often sit in the back of the room; the elected folks 6 sit in the front of the room. So for me, I -- I can't 7 imagine if I was asked -- if I was told my seat was 8 here, I wouldn't have even interpreted that as weird.</p> <p>9 Q. When you were present at functions when 10 Treasurer Conine were present and either Sheila and/or 11 Beth were present, did you -- did you ever see 12 Treasurer Conine try to avoid them at public functions?</p> <p>13 A. No. I never saw that.</p> <p>14 And also, you know, the Treasurer lived in 15 Northern Nevada for pretty much the whole period 16 through midsummer; so I don't think there were that 17 many occurrences of that -- occurrences of -- at least 18 in my own experience -- me, the Treasurer, Sheila, and 19 Beth all being at the same location.</p> <p>20 Q. Okay. 21 Ms. Salehian, on the break indicated with 22 respect to her skin cancer that she might have let you 23 and/or Tara and/or Treasurer Conine know about it as 24 early as the end of August of 2019. Do you -- would 25 you dispute that if -- that she was -- she said that</p>	<p style="text-align: right;">Page 105</p> <p>1 at -- and I agree, this document doesn't indicate 2 August. It indicates October 8th that she informed 3 yourself, Zach Conine, and Beth Yeatts about the 4 cancer. So you're thinking that was about -- that 5 would have been the first time, about that date?</p> <p>6 A. I don't have a calendar in front of me, but 7 those were the three other people -- well, those were 8 including Sheila, the four people who were in a 9 meeting, it would have happened late in an afternoon in 10 October. So if it was October 8th, I don't -- 11 because I don't have a calendar; so sounds right, 12 though. But that was, again, the first time I was 13 notified. And I think it even says it; right?</p> <p>14 Informed Treasurer, Miles, and Beth and --</p> <p>15 Q. Yeah. But she doesn't say that was the first 16 time, but --</p> <p>17 A. But, I mean, it was a pretty extensive list 18 of dates and times. Having read it, but it looks like 19 it's the first time it's stated here.</p> <p>20 Q. Okay. 21 Looking at 57J, Page 57J, if you could read 22 that and tell me whether you agree with what she's 23 saying there, especially the last couple of lines.</p> <p>24 A. As I mentioned earlier, there was no call 25 center despite, as I recall, it being a free service</p>

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<p>Page 122</p> <p>1 Q. And why not, again?</p> <p>2 A. Largely, because we had never just finished</p> <p>3 the project. We had a sense from most of the deputies</p> <p>4 that there was clarity around where they were going and</p> <p>5 what they needed to do. In many ways, the deputies</p> <p>6 were already executing on their growth plans. That was</p> <p>7 happening throughout the office.</p> <p>8 And, frankly, within a month we were</p> <p>9 preparing to make a major shift in leadership in the</p> <p>10 Southern Nevada office, and we shifted gears to writing</p> <p>11 job descriptions and severance agreements and finding</p> <p>12 the new leaders who we thought ultimately would need</p> <p>13 less support and less guidance in writing strategic</p> <p>14 plans for the departments they lead.</p> <p>15 Q. So it sounds like at that point you had</p> <p>16 already moved on from Ms. Salehian?</p> <p>17 A. The exercise had cemented my perception that</p> <p>18 she was not going to be the leader that moved us or</p> <p>19 moved the department -- pardon me -- to where we wanted</p> <p>20 it to go.</p> <p>21 MR. BALABAN: Okay. I don't think I have</p> <p>22 anything else.</p> <p>23 MS. PRUTZMAN: I think I'm good.</p> <p>24 MR. BALABAN: Okay.</p> <p>25 So I'll put on the record the same thing that</p>	<p>Page 124</p> <p>CERTIFICATE OF DEPONENT</p> <p>2 PAGE LINE CHANGE REASON</p> <p>3 _____</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 * * * * *</p> <p>14</p> <p>15 I, MILES DICKSON, deponent herein, do hereby certify</p> <p>16 and declare under the penalty of perjury the within and</p> <p>17 foregoing transcription to be my deposition in said</p> <p>18 action; that I have read, corrected and do hereby affix</p> <p>19 my signature to said deposition.</p> <p>20</p> <p>21</p> <p>22 _____</p> <p>MILES DICKSON, Deponent</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 123</p> <p>1 I told Treasurer Conine.</p> <p>2 THE WITNESS: Sure.</p> <p>3 MR. BALABAN: Per the NRS, you have the right</p> <p>4 to review your deposition, make any changes, sign it.</p> <p>5 If you choose not to, a certified copy of your</p> <p>6 deposition will be admissible at trial for any</p> <p>7 purposes. And when we go off the record, the court</p> <p>8 reporter will tell you about how you'll be able to</p> <p>9 review it if you choose.</p> <p>10 THE WITNESS: Okay. Thank you. I</p> <p>11 understand.</p> <p>12 MR. BALABAN: I thank you for your time.</p> <p>13 THE WITNESS: You as well.</p> <p>14 MADAM COURT REPORTER: Would you like a copy?</p> <p>15 MS. PRUTZMAN: Yes, please.</p> <p>16 (Thereupon, the deposition concluded at</p> <p>17 6:19 p.m.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 125</p> <p>CERTIFICATE OF REPORTER</p> <p>2 STATE OF NEVADA)</p> <p>COUNTY OF CLARK)</p> <p>3 I, Michelle R. Ferreyra, a Certified Court</p> <p>4 Reporter licensed by the State of Nevada, do hereby</p> <p>5 certify: That I reported the deposition of MILES</p> <p>6 DICKSON, commencing on THURSDAY, JUNE 16, 2022, at 6:15</p> <p>7 p.m.</p> <p>8 That prior to being deposed, the witness was</p> <p>9 duly sworn by me to testify to the truth. That I</p> <p>10 thereafter transcribed my said stenographic notes into</p> <p>11 written form, and that the typewritten transcript is a</p> <p>12 complete, true and accurate transcription of my said</p> <p>13 stenographic notes, and that a request has been made to</p> <p>14 review the transcript.</p> <p>15 I further certify that I am not a relative,</p> <p>16 employee or independent contractor of counsel or of any</p> <p>17 of the parties involved in the proceeding, nor a person</p> <p>18 financially interested in the proceeding, nor do I have</p> <p>19 any other relationship that may reasonably cause my</p> <p>20 impartiality to be questioned.</p> <p>21 IN WITNESS WHEREOF, I have set my hand in my</p> <p>22 office in the County of Clark, State of Nevada, this</p> <p>23 6th day of July, 2022.</p> <p>24 </p> <p>25 MICHELLE R. FERREYRA, CCR No. 876</p>